

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

JIMMY L. BROWN

PLAINTIFF

v.

NO: 4:18-CV-04033-SOH

MARKEL AMERICAN INSURANCE COMPANY

DEFENDANT

JOINT STIPULATION OF FACTS

Plaintiff Jimmy L. Brown (“Brown”) and Defendant Markel American Insurance Company (“MAIC”) stipulate as follows:

1. Brown and MAIC entered into a certain insurance policy numbered MMT00000266917 which was in effect from June 26, 2014 to June 26, 2015.
2. The parties attach to this Joint Stipulation the following exhibits:
 - a. Joint Exhibit A – Certified copy of declarations page and policy for 2014 and 2015 and lapse notice dated July 1, 2015;
 - b. Joint Exhibit B – Rejection of Personal Injury Protection Coverages Arkansas signed by Brown dated July 29, 2014;
 - c. Joint Exhibit C – Uninsured Motorists Coverage Arkansas Selection/Rejection Form signed by Brown dated July 29, 2014;
 - d. Joint Exhibit D – Letter from MAIC to Brown’s attorney dated August 2, 2017 (RE: denial of underinsured coverage); and
 - e. Joint Exhibit E – Letter from MAIC to Brown’s attorney dated August 10, 2017 (RE: authority to settle with liability tortfeasor reserving right to dispute underinsured coverage).

3. The parties stipulate to the admissibility of these attached Joint Exhibits and ask the Court to admit them into evidence for the Court's consideration.

4. Brown was in a motorcycle wreck on or about September 21, 2014.

5. Upon Brown's request, MAIC issued a letter giving Brown the ability to settle pursuant to Ark. Code Ann. § 23-89-209(c) and reserving MAIC's right to dispute the applicability of underinsured coverage.

QUATTLEBAUM, GROOMS & TULL PLLC
111 Center Street, Suite 1900
Little Rock, AR 72201
Telephone: (501) 379-1700
Facsimile: (501) 379-1701
cchiles@qgtlaw.com
jfalasco@qgtlaw.com
sdeloach@qgtlaw.com

By: /s/ Sarah E. DeLoach

E. B. Chiles IV (96179)
Joseph R. Falasco (2002163)
Sarah E. DeLoach (2015235)

Attorneys for Markel American Insurance Company

and

MONTGOMERY LAW FIRM, PLLC
Wm. Blake Montgomery
Jim A. Burke
200 S. Elm
P.O. Box 785
Hope, Arkansas 71802
Telephone: (870) 777-6700
Facsimile: (870) 777-6703
blake@bmontgomerylaw.com
jim@bmontgomerylaw.com

By: /s/ Wm. Blake Montgomery (with permission)

Wm. Blake Montgomery (2015043)
Jim A. Burke (2017185)

Attorneys for Jimmy L. Brown

CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which shall send notification of such filing to the following:

Wm. Blake Montgomery
blake@bmontgomerylaw.com

Jim A. Burke
jim@bmontgomerylaw.com

Attorneys for Plaintiff

/s/ Sarah E. DeLoach

Sarah E. DeLoach